

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:09CR180
v.)	
)	
KIMBERLY ANN HUDSON,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on the defendant's Motion to Determine Competency[19] pursuant to 18 U.S.C. Section 4241. On July 21, 2009 the court ordered [29] that the defendant Kimberly Ann Hudson may not be presently competent to stand trial and she should be committed for an evaluation and a report be submitted to this court.

On December 29, 2010 the court received a forensic report from Michael L. Benov, Warden of the Metropolitan Detention Center, Los Angeles, CA.

On March 2, 2010, a hearing was held before the undersigned magistrate. The defendant was present and represented by Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. On December 7, 2009 the forensic report of Dr. Ralph Ihle was received into evidence without objection. Defendant's counsel represented on the record that the defendant no longer questioned her mental competency. No additional evidence was adduced.

I find by a preponderance of the evidence that the defendant is not presently suffering from a mental disease or defect which renders her mentally incompetent to understand the nature and consequences of the proceedings against her or to assist properly in her defense pursuant to 18 U.S.C. Section 4241. Accordingly, I find that this case should be set for trial.

IT IS ORDERED:

1. The defendant is not suffering from any mental disease or defect which renders her mentally incompetent to understand the nature and consequences of the proceedings against her or to assist in her defense pursuant to 18 U.S.C. Section 4241.
2. The case should be progressed by separate order.

DATED this 2nd day of March, 2010.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge